

Application No. 10/750,860

REMARKS

(This response has been resent on June 12, 2005, in reply to the notice mailed May 26, 2005 regarding a non-compliant amendment.)

Applicant has carefully studied the outstanding Official Action mailed on December 13, 2004. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 1, 2, 8, 11-13, 19 and 20 stand rejected under 35 USC §102(b) as being anticipated by either Harrington or Xavier et al.

Applicant respectfully traverses this rejection. It is not clear, for example, that the cited art are examples of unitary bodies. As defined in the last paragraph of page 10 of the present application, "By "unitary body" it is meant that the spinal prosthesis may be attached to the spinal structure as one pre-assembled, contiguous assembly. The surgeon can simply hold the entire unitary body in place during attachment to the spinal structure. This is in contrast to known prostheses that must be attached to the spinal structure as at least two separate parts, which may or may not articulate with one another. With those prostheses, the surgeon must attach each part separately to some spinal structure and merely "hope" that the parts fit together properly after installment." It is respectfully traversed that the cited art fits this definition.

However, for the purposes of expedited allowance, the claims have been amended. Claim 1 now recites the structure of prongs, as described in page 9 and shown in the embodiment of question in Figs. 8C and 8D. This structure of the pedicle screw mounting members with pedicle screws is not shown nor suggested in the cited art, and is thus deemed patentable.

Further structure of the truncated face in the convex contour and of the semi-circular cutout have been recited in claims 19-22.

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It is accordingly respectfully submitted that claims 1, 2, 8, 11-13 and 19-24 are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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I hereby certify that this correspondence is being transmitted by facsimile to 703-872-9306 at the United States Patent and Trademark Office on June 12, 2005.

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(Name of Applicant's Representative) (Signature)

David Klein